



DEPARTMENT OF THE ARMY
HEADQUARTERS, 18TH MILITARY POLICE BRIGADE
MANNHEIM, GERMANY APO, AE 09058

REPLY TO
ATTENTION OF

AETV-MP-H

21 July 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Memorandum # 12, Sexual Assault Prevention & Response (SAPR) Program

1. REFERENCES:

- a. Uniform Code of Military Justice
- b. Ronald W. Reagan National Defense Authorization Act; P.L. 108-375, Section 577(b)
- c. DoD Directive Memoranda, (JTF-SAPR Numbers 1-14)
- d. USAREUR Memo, Authority to Convene Sexual Assault Review Boards, 29 August 2005
- e. Army in Europe Command Policy Letter 31, Victim/Witness Assistance Program 18 April 2006.
- f. 21st TSC Policy Letter 26, Prevention of Sexual Misconduct and Sexual Assault, 1 February 2006
- g. Army Policy on Sexual Assault, 7 April 2004
- h. AR 600-20, 7 June 2006
- i. USAREUR Sexual Assault Website:
www.per.hqusareur.army.mil/sexualassault

2. APPLICABILITY:

- a. Both on and off post and during duty and non-duty hours.
- b. To working, living, and recreational environments (including both on and off post housing).

3. **DEFINITION:** Sexual assault is defined as intentional sexual contact characterized by use of force, physical threat, or abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to the gender, spousal relationship, or age of the victim.

4. **PLAN OF ACTION:** Rape, forcible sodomy, and indecent assault are crimes under the Uniform Code of Military Justice. These acts have lasting effects upon their victims and can significantly damage relationships within families, units, and the local military and civilian communities. The law regarding these acts does not change during deployments – they are crimes whenever and wherever committed. As leaders, we must do everything we can within our command to prevent sexual assault before it happens; properly address the crime if it should happen; and finally provide for recovery of the victim after the incident. The plan of action that addresses these three phases includes 1) Prevention 2) Crisis 3) Recovery.

a. Phase I: Prevention. This phase is continuous and concentrates on training and alerting everyone-commanders, unit members, family members, and organizations-of sexual assault issues and our responsibilities for preventing sexual assault. This phase also involves deterring would-be offenders by ensuring that the consequences of sexual assault are known and the judicial process is understood. Leader presence, education, inspections of security in housing and holding offenders accountable all can help prevent incidents of sexual assault

b. Phase II: Crisis. This phase begins with an agency's notification that a sexual assault has occurred, and concentrates on providing expeditious care and support to the victim as well as informing the victim of his or her rights. The victim must be referred to the sexual assault response coordinator (SARC) as soon as possible. The SARC will explain victim advocacy services available and advise the victim of his or her options for restricted and unrestricted reporting. The victim may then decide to accept the offer of victim advocacy services or choose to seek help without the presence or assistance of a victim advocate (VA). Depending on the type of reporting selected by the victim (restricted or unrestricted), agencies are available to provide care and support for the victims of sexual assault, including the military police (MP), the Criminal Investigation Command (CID), the servicing staff judge advocate (SJA), the local medical treatment facility (MTF), the unit chaplain, and the unit chain of command. Also critical to this phase are the proper and immediate actions by military law-enforcement personnel in conducting a thorough investigation to document all evidence and witness statements pertaining to the crime. On notification that a sexual assault has occurred in a unit, the unit commander will consider the case as genuine, treat those involved in the case fairly, and not pass judgment on them. This phase is completed once the victim begins phase III.

c. Phase III: Recovery. This phase begins after the victim's immediate health concerns have been addressed and the victim has been informed of the availability of VA services for sexual assault. The goal of this phase is the rehabilitation of the victim and

providing victim / witness liaison support needed to keep the victim informed of ongoing investigative and legal processes related to the assault. Local MTFs, in conjunction with commanders, will develop a long-term physical and mental care plan for eligible victims. This phase is continuous and will last as long as the victim indicates that he or she requires care.

5. REPORTING:

a. Restricted reporting: Restricted reporting allows a Soldier who is the victim of sexual assault, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals (Sexual Assault Response Coordinator (SARC), Unit Victim Advocate (UVA), Health Care Provider, and Chaplain) and receive medical treatment and counseling, without triggering the official investigative process. Restricted reporting is intended to give a victim additional time and increased control over the release and management of his/her personal information, and to empower him/her to seek relevant information and support to make a more informed decision about participating in the criminal investigation.

b. Exceptions to restricted reporting. In cases where victims elect restricted reporting, the prohibition on disclosing covered communication to the following persons or entities will be suspended when disclosure would be for the following reasons:

(1) Command officials or law enforcement when disclosure is authorized by the victim in writing.

(2) Command officials or law enforcement when disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person.

(3) Disability retirement boards and officials when disclosure by a healthcare provider is required for fitness for duty for disability retirement determinations, limited to only that information that is necessary to process disability retirement determination.

(4) Military or civilian courts of competent jurisdiction when disclosure is ordered by or is required by federal or state statute. SARC, victim advocates, and healthcare providers will consult with the servicing legal office in the same manner as other recipients of privileged information to determine if the criteria apply and they have a duty to obey. Until those determinations are made, only non-identifying information should be disclosed.

c. Unrestricted Reporting: A Soldier who is sexually assaulted and desires medical treatment, counseling and an official investigation of his/her allegation should use current reporting channels, for example, chain of command, law enforcement officials or report the incident to the SARC.

6. RESPONSIBILITIES:

a. Battalion Commanders will:

(1) Appoint at a minimum 2 UVAs (non MP) and place on appointment orders. Ensure UVAs have received required training prior to performing duties. Military Police will only perform UVA duties within MP units. See selection criteria IAW AR 600-20. (Based off the geographical dispersion of units, additional UVA appointments may be required.)

(2) Update the victim 14 calendar days after the initial report. Thereafter, at a minimum, a monthly update is provided to the victim (if report is unrestricted) on the current status of any ongoing investigative, medical, legal, or command proceedings regarding the assault. Monthly updates will continue until the final disposition of the reported assault. Additionally, the battalion commander will follow up with the victim within 45 days after disposition of the case to ensure the victim's needs have been addressed.

b. Unit Commanders will:

(1) Take immediate steps to ensure the victim's physical safety, emotional security and medical treatment needs are met and the local SARC and appropriate law enforcement/criminal investigative services are notified. See AR 600-20, Appendix G for additional guidance.

(2) Collaborate closely with the local SARC, legal, medical and chaplain offices and other service providers to provide timely, coordinated, and appropriate responses to sexual assault issues and concerns.

(3) Encourage the victim to get a medical examination no matter when the incident occurred.

(4) Report all incidents of sexual assault to the office of the staff judge advocate within 24 hours.

(5) Review current policies and validate their relevance.

(6) Develop and implement ongoing sexual assault awareness, prevention, and education training.

(7) Conduct annual, post and pre-deployment SAPR training. (SAPR training is not an extension of sexual harassment training.)

(8) Coordinate with local SARCs to ensure area UVA coverage for all outlying platoons and personnel.

(9) Publish contact information of SARCs, installation victim advocates, and UVAs, and provide take-away information such as telephone numbers for unit and installation points of contact, booklets, and information on available victim services.

(10) Update 'Commander's Battle Drill' quarterly and ensure all Soldiers are informed.

(11) Advertise the Sexual Assault Prevention and Response Program through local means to ensure Soldiers, Army civilians, family members and leaders are aware of the program.

(12) Post written sexual assault policy statements and victim services resource chart(s) on unit bulletin boards.

(13) Ensure all Soldiers understand both 'restricted' and 'unrestricted' reporting.

(14) Inform Soldiers of legal consequences and career implication of committing acts of sexual violence. Use public bulletin boards to post the outcome of sexual assault cases as well as notification of punishment under UCMJ.

(15) Conduct command climate surveys within 90 days after assuming command and annually thereafter.

(16) Identify Soldiers who are 'high-risk' or have a potential drinking problem.

(17) Inform Soldiers of Off-Limits areas IAW AE Europe Cir 190-24 and discuss local high risk areas during weekly safety briefings.

(18) Review barracks safety policies and procedures, focusing on reducing unnecessary risks.

(19) Include training on sexual assault and barracks safety for new arrivals during unit in-processing.

c. Unit Victim Advocates (UVA) will:

(1) Meet standards for selection and attend annual and ongoing training.

(2) Ensure all victims of sexual assault receive appropriate services.

(3) Attend monthly Sexual Assault Review Boards (SARB) as required by the installation commander.

(4) Report directly to the local SARC during any sexual assault response.

(5) Report directly to the D-SARC during deployment periods.

(6) Military Police will not be detailed to perform victim advocate support outside of military police units.

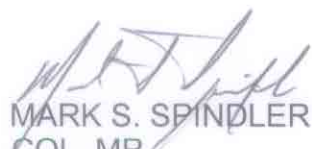
7. Victim Collateral Misconduct. Determine in a timely manner, how to best dispose of alleged victim collateral misconduct, to include making the decision to defer the disciplinary actions regarding such misconduct until after the final disposition of the sexual assault case. Commanders and supervisors should take into account the trauma to the victim and respond appropriately so as to encourage reporting of sexual assault and the continued cooperation of the victim.

8. A Soldier accused of sexual assault is innocent until proven guilty. Soldiers accused will receive access to necessary legal, spiritual, and mental health resources. Each case will be evaluated on the basis of its particular facts. At the same time, throughout the investigation, we must immediately show compassion and support for the victim. The rights of both the victim and accused will be protected. Determine the best course of action for separating victims from the subject(s) during the investigation of sexual assault cases. Commanders should ensure re-victimization does not occur.

9. The 18th MP BDE Commander will be notified of all unrestricted sexual assault reports/allegations (CCIR).

10. This policy will be posted on every unit's and outlying platoon bulletin board.

"EVER VIGILANT!"


MARK S. SPINDLER
COL, MP
Commanding

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